THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :10293 of 2007

DATED:02-07-2007

BETWEEN:

K.Somasekhar Goud & another.

..... PETITIONERS

AND

The Station House Officer,
Veldurthy Police Station,
Veldurthy (Post & Mandal)
Kurnool District & 2 others.

.....RESPONDENTS

ORDER:

Heard learned counsel appearing for the petitioners; learned Government Pleader for Home; and the learned counsel appearing for the respondents.

2. Petitioners seek a writ of mandamus declaring the action of the 1st respondent in interfering and threatening to dispossess the petitioners from the premises with Door Nos.12-133/4 (old) 12-132-11, near Old Bus stand, Veldurthy village & mandal, Kurnool District during the pendency of O.S.No.424/2005 filed by the 2nd respondent against the petitioners on the file of the Junior Civil Judge, Dhone, Kurnool District, as arbitrary, illegal, and contrary to law.

3. It is stated that the above suit was dismissed as not pressed by order, dated 21-06-2007, and in fact, the suit filed by the petitioners in O.S.No.200 of 2004 on the file of the Junior Civil Judge, Dhone was also dismissed, but it is stated that an appeal has been filed in A.S.No.69 of 2007 on the file of the VI Additional District Judge, Kurnool District.

4. Learned counsel appearing for the 2nd respondent submits that in fact, for the said illegal interference, F.I.R.No.37 of 2007, dated 05-05-2007, was registered by the police, Veldurthy police

station, Kurnool District under Sections 447, 448 and 324 IPC.

5. I am not inclined to express any opinion with regard to the right, title, and possession of the respective parties over the premises in question as the same is the subject-matter of the rival suits, but however, if anybody commits any criminal offence it is always open for the police to register cases against the concerned and it is for the accused to face the trial in the pending criminal case, but insofar as the possession of a particular property is concerned, police cannot interfere with the same without there being any specific order from the concerned civil Court.

6. Accordingly, Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

02nd July, 2007.
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